No. 93-44

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In The
Supreme Court Of The United States
October Term, 1993

TURNER BROADCASTING SYSTEM, INC., ET AL.,
Petitioners

v.

FEDERAL COMMUNICATIONS COMMISSION ET AL.,
Respondents

On Writ of Certiorari from the United States
District Court for the District of Columbia

BRIEF OF THE STATE OF CONNECTICUT AS AMICUS CURIAE IN SUPPORT OF RESPONDENTS

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BRIEF OF THE STATE OF CONNECTICUT AS AMICUS CURIAE IN SUPPORT OF RESPONDENTS

The State of Connecticut, sponsored by the Attorney General of the State of Connecticut, submits this brief in support of the Federal Communications Commission and the United States of America, seeking affirmation of the decision of the United States District Court for the District of Columbia in *Turner*

Broadcasting System v. FCC, 819 F.Supp. 32 (D.D.C. 1993). The State of Connecticut files this brief pursuant to Rule 37 of the Rules of this Court.

INTEREST OF AMICUS CURIAE, STATE OF CONNECTICUT

As the United States District Court below held, the "importance of broadcasting generally, and in particular local broadcasting, to the American public is now beyond dispute." *Turner*, 819 F.Supp. at 45. However, as the court also found, unrestrained, cable operators' market power and anticompetitive practices place local broadcast television in serious jeopardy (*Turner*, 819 F.Supp. at 46 (citing 1992 Cable Television Consumer Protection and Competition Act (the "1992 Cable Act") § 2(a)(16); S. Rep. No. 92, 102d Cong., 1st Sess. at 59 (1991)) ("1991 S. Rep. No. 92")) and thereby threaten the public's right to receive a diversity of viewpoints. *See Turner*, 819 F.Supp. at 45 n. 25.

Cable operators compete with local broadcast stations for advertising revenues. *See id.* at 44, 46 n. 28 (citing 1991 S. Rep. No. 92 at 44). Yet, the technology and evolution of the cable industry have allowed cable systems to become the primary means for transmission of all video signals, including those of local broadcasters, to America's television viewers. *See id.* at 44, 46. This market power has given cable operators the incentive and ability to block local broadcasters access "to the bulk of any prospective [television] viewing audience."

See Turner, 819 F.Supp. at 46. Indeed, as the court found, Congress has determined that cable operators "in significant numbers" denied carriage on their systems to local broadcasters, attached onerous conditions to their agreements to carry broadcasters, and exiled broadcasters to remote channel positions. *Id.* (citing 1991 S. Rep. No. 92 at 42-43; H.R. Rep. No. 628, 102d Cong., 2d Sess. (1992) at 51 (1992). This "unfavorable treatment of broadcasters is the result of the cable operators' attempt to obtain a competitive advantage [over local broadcasters], not ... consumer demand." *Id.* (citing 1992 Cable Act § 2(a)(12)-(15); 1991 S. Rep. No. 92 at 44.

Connecticut's experience with cable operators' anticompetitive practices against local broadcast stations, in the absence of the must carry provisions of the 1992 Cable Act, confirms the court's findings about the cable industry. Connecticut residents are served by 24 cable operators franchised by the State, each operating as an economic monopoly in their respective assigned geographical areas.[1/] These cable operators retransmit the signals of local broadcasters to their cable subscribers throughout the state. This year two of Connecticut's

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1/ At present four applications have been filed by the FiberVision Corporation with the Connecticut Department of Public Utility Control, the franchising authority in Connecticut, to provide competing cable service to several Connecticut communities. At present, no ruling has been issued in these applications.

cable operators announced to their almost 200,000 Connecticut cable subscribers in 16 Connecticut communities that they would no longer be carrying most or all of Connecticut's local broadcast stations. Virtually all of southwestern Connecticut faced the possibility of losing access to all of Connecticut's broadcast stations, which had served them for over a decade. Without the must carry provisions of the 1992 Cable Act, there is nothing to prevent such occurrences from becoming commonplace on cable systems throughout Connecticut.

The future of local broadcasting in Connecticut and the First Amendment rights of Connecticut's residents to receive a diversity of viewpoints will therefore be significantly affected by this Court's ruling on whether to affirm the court's decision below. As a state, Connecticut has a quasi-sovereign interest in protecting the well-being of its residents and ensuring that they receive the benefits of federal legislation aimed at protecting them from harm. *Alfred L. Snapp & Son v. Puerto Rico*, 102 S.Ct. 3260, 3268-69 (1982). The State of Connecticut therefore has a direct and substantial interest in this matter.

SUMMARY OF THE ARGUMENT

The rights of the viewing public should be the paramount consideration in this Court's analysis of whether to affirm the District Court's decision upholding the constitutionality of the must carry provisions of

the 1992 Cable Act. *See Red Lion Broadcasting Co. v. FCC*, *395 U.S. 367, 390 (1969); Quincy Cable TV v. FCC*, 768 F.2d 1434, 1453-54 (D.C. Cir. 1985). Under the First Amendment, the public has a right to the widest possible dissemination of information from diverse and antagonistic sources. *See Associated Press v. United States*, 326 U.S. 1, 20 (1945).

It is a well-established fact that local broadcasting is important to the American public. Yet Congress discovered that most television viewers rely on cable television to receive programming from local broadcast stations. *See* 1992 Cable Act, §§ 2(a)(3); 2(a)(17). However, as the court below found, Congress also determined, after protracted hearings, that cable operators' market power and anticompetitive carriage practices against broadcasters, if unconstrained, threaten the very existence of local over-the-air broadcast television. *See Turner*, 819 F.Supp. at 39-40. Many Connecticut residents have had firsthand experience with the outrage of the potential loss of their access to Connecticut's broadcast television stations because of similar practices by cable operators operating in Connecticut.

Congress was not obliged to sit idly by while the public interest was harmed in this manner. Instead, as the court below held, after considering the alternatives Congress justifiably enacted the must carry provisions of the 1992 Cable Act to restore fair competition among video speakers, in order to assure the survival of local

broadcasting for the benefit of the public. *See Turner*, 819 F.Supp. at 45.

As the court below found, it was based upon this evidence, for this purpose, and not toward any goal to regulate the content of what cable operators say, that Congress enacted the must carry provisions of the 1992 Cable Act. *See Turner*, 819 F.Supp. at 40. For these reasons the must carry provisions of the 1992 Cable Act (codified at 47 U.S.C. §§ 534 and 535) (the "must carry provisions") are entirely proper and do not violate the rights of cable operators. The public interest requires that the District Court's decision upholding the constitutionality of the must carry provisions of the 1992 Cable Act be affirmed.

ARGUMENT

I. THE MUST CARRY PROVISIONS OF THE CABLE ACT ARE NECESSARY TO PROTECT THE PUBLIC'S FIRST AMENDMENT RIGHT TO RECEIVE INFORMATION FROM A DIVERSITY OF SOURCES.

The court below did not conclude, nor does the State of Connecticut contend here, that cable operators as "speakers" have no First Amendment rights. However, the interests of the viewing public should be paramount in any "First Amendment calculus" used to judge the constitutionality of provisions requiring cable operators to carry the signals of local broadcasters. *See Quincy*, 768 F.2d at 1453-54 (citing *Red Lion*, 395 U.S. at 390). It is the purpose of the First Amendment to provide the "widest possible dissemination of information from diverse and antagonistic sources" (*Associated Press*, 326 U.S. at 20), and to "preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market" by private parties. *Red Lion*, 395 U.S. at 390.

Local broadcasting is of crucial importance to the American public. See, e.g., *United States v. Southwestern Cable Co.*, 88 S.Ct. 1994, 2003 nn. 38-39 (1968); *see* 1992 H.R. Rep. No. 628 at 50. As Congress found, "[l]ocal television stations ... are both the leading source of news and public affairs information for a majority of Americans and the most popular entertainment medium." 1992 H.R. Rep. No. 628 at 50.

Congress concluded that "healthy and fair competition between cable television and the over-the-air broadcast television serves the public interest by providing increased diversity and program choice to the public." *See id.* at 51. However, upon according proper deference to Congress' factual findings concerning the status of the cable industry prior to the enactment of the 1992 Cable Act (*see Metro Broadcasting v. FCC*, 111 L.Ed.2d 445, 466(1990)), the court below determined that "certain characteristics unique to the way the [cable] industry has evolved and is presently structured" have allowed cable to control the means for transmission of the video signals of local broadcasters to television viewers. *See Turner*, 819 F.Supp. at 44.

As the court below noted, cable television has achieved "market dominance." *Id.* Furthermore, the court determined, after reviewing the evidence, that this market power provides cable operators with both "incentive" and "ability" to block local broadcasters' access to most of television's viewers. *See id.* at 46. Thus, the court justifiably concluded that "unconstrained cable holds the future of local broadcasting at its mercy." *Id.* Indeed, the extensive record compiled by Congress, which the court repeatedly cited, showed cable operators in significant numbers are engaging in anticompetitive practices against local broadcasters. *See id.* at 46 (citing 1991 S. Rep. No. 92 at 42-43; 1992 H.R. Rep. No. 628 at 51). As Congress concluded, "these patterns of carriage abuses may ...

accelerate in the absence of must carry rules.... For the subscribers to those cable systems, these local television stations will effectively cease to exist, despite the decision of the FCC that the public interest would be served by the broadcast service." *See* 1992 H.R. Rep. No. 628 at 53-54.

Connecticut has had firsthand experience with the effects of cable's market power and anticompetitive practices in the absence of the must carry provisions of the 1992 Cable Act. That experience confirms the court's and Congress' findings. At present, Connecticut's cable operators are not subject to effective competition and operate as economic monopolies in their respective franchise areas.[2/] As a result, Connecticut residents respectively are served by one of 24 cable operators, each franchised by the Connecticut Department of Public Utility Control, to serve specific geographical areas in the state. According to data compiled by the Connecticut Department of Public Utility Control through April 1993, 1,336,094 Connecticut residential dwelling units are passed by cable (virtually 100% of the dwelling units in the state), and there are

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2/ *See* note 1, *supra* (although FiberVision Corporation has, pursuant to section 7 of the 1992 Cable Act, filed several applications to offer competing cable service in several Connecticut communities, no decisions have been issued and competitive cable service is not available to Connecticut residents).

963,770 cable subscribers in the state -- a 72.13% penetration rate.

Residents of the Connecticut towns of Greenwich, Stamford, New Canaan, Darien, Wilton, Norwalk, Weston, Westport, Redding, Easton, Bridgeport, Milford, Fairfield, Stratford, Orange, and Woodbridge are, respectively, served by one of two cable operators, Cablevision of Connecticut or Cablevision of Southern Connecticut. The two cable companies are owned by the same limited partnership.

Because of their close proximity to New York and because of over-the-air reception difficulties, many of these residents cannot obtain access to Connecticut's broadcast stations without cable. Also because of their close proximity to New York, the Connecticut communities served by Cablevision of Connecticut and Cablevision of Southern Connecticut are not within the television markets of Connecticut's five primary commercial broadcast stations, WFSB-3, WTNH-8, WVIT-30, WTXX-20, and WTIC-61.[3/] Instead, because of an anomaly arising from the way television markets are technically defined under the 1992 Cable Act, those communities are within the New York City television market. Consequently, these five stations are technically not "local commercial television stations" as

3/ Several communities in the franchise area of Cablevision of Southern Connecticut are within the television market of WTNH-8.

that term is defined in section 614(h)(1)(C) of the 1992 Cable Act (codified at 47 U.S.C. § 534(h)(1)(c)), and the "must carry provisions" of the 1992 Cable Act do not presently apply to their carriage on the two Connecticut Cablevision systems. However, for over a decade, Connecticut's broadcast stations have been carried on these two cable systems and have been crucial in providing these residents with local news, sports, opinion, and analysis of issues concerning Connecticut's state government, towns, businesses, and residents.

Earlier this year, in the absence of the protections afforded by the must carry provisions of the 1992 Cable Act, the two Connecticut Cablevision systems moved to exercise their market power against Connecticut's commercial broadcast stations and Connecticut's cable subscribers. Cablevision of Connecticut announced that as of April 1, 1993, it would no longer carry any of Connecticut's five local broadcast stations. Instead, Cablevision of Connecticut proposed to replace the five broadcast stations with a single channel, "The Connecticut Channel," which only would carry portions of the programming from the stations that Cablevision selected for viewers to see. Cablevision of Southern Connecticut similarly announced that after April 1, 1993, it would only carry one of Connecticut's local broadcast stations. As a result of these actions, almost 200,000 Connecticut cable subscribers served by these cable operators faced electronic isolation from their home state.

After the two companies notified customers of their plans, this office, however, was deluged with complaints in writing and by telephone from their subscribers. *See* Appendix (several letters representative of the complaints received are reprinted therein). At community meetings around the state, consumers vented their anger and their desire for continued carriage by the two cable operators of Connecticut's local broadcast stations. Because of the cable operators' action and the resulting local outrage, this office petitioned the FCC to include those 16 communities within the television markets of Connecticut's broadcast stations.[4/] The plans of the cable operators were stayed pending FCC review of the petitions for market determination filed by this office and other parties, and the Cablevision systems

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4/ In enacting the must carry rules, Congress took special note of the plight of cable subscribers and broadcasters in this type of situation. It recognized that, since television markets under the 1992 Cable Act are "drawn along county lines, they may, in some instances, inaccurately reflect the stations which are local to a particular community." 1992 H.R. Rep. No. 628 at 97. To provide must carry protection to broadcasters and thereby ensure that such cable subscribers do not lose access to local programming, Congress under the Cable Act allowed for petitions to be filed with the FCC to ensure that technical definitions of television markets actually reflect the communities served by local broadcast stations. *See id.* at 97-98; 1992 Cable Act § 4 (codified at 47 U.S.C. § 534(h)(1)(c)); Cable Act of 1992 -- Must Carry and Retransmission Consent Provisions, 58 Fed. Reg. No. 62 (1993) (to be codified at 47 C.F.R. §§ 76.59, 76.64(f)(5)).

have agreed, for now, to continue carriage of Connecticut's stations.

Connecticut's experience with cable's market power in the absence of the must carry provisions confirms Congress' findings concerning the need for legislation to protect local broadcast stations and the public interest. Without such statutory protection, there is little to prevent other local broadcast stations from being denied carriage by cable operators throughout the state. Thus, as the above discussion vividly illustrates and as the court below found, the must carry provisions of the 1992 Cable Act are necessary to protect the public's interest in having access to a diversity of broadcast voices.

II. IN ENACTING THE MUST CARRY PROVISIONS, CONGRESS SOUGHT NOT TO REGULATE THE CONTENT OF WHAT CABLE OPERATORS SAY BUT INSTEAD TO CORRECT THE CARRIAGE ABUSES THAT EXISTED. THE MUST CARRY PROVISIONS DO NOT VIOLATE THE FIRST AMENDMENT.

Congress has the power to enact economic regulations designed to promote competition and diversity of voices, even if the affected activity involves communications. *See Metro Broadcasting,* 111 L.Ed.2d at 465; *Associated Press*, 326 U.S. 1 (1945) (upholding the application of the Sherman Act to newspapers); *cf. FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978). As the court below properly concluded,

given the extensive record of the status of the cable industry, the must carry provisions of the 1992 Cable Act are in intent as well as form unrelated to the content of what cable operators or even broadcasters have to say. *See Turner*, 819 F.Supp. at 40. Instead, as the court found, Congress sought to remedy the carriage abuses it found to exist in the cable industry and thereby protect the public's right to receive a diversity of voices. *See id.*

The court thus properly concluded that the appropriate standard to apply to determine whether the must carry provisions violate the First Amendment was (a) whether they further a significant government interest and (b) whether they both remedy the condition in need of correction and do not burden more speech than necessary. *See id.* at 45 (citing *Ward v. Rock Against Racism*, 491 U.S. 781, 798-99 (1989); *United States v. O'Brien*, 391 U.S. 367, 377 (1968)). As the court noted, Congress, in carrying out its goal, considered alternatives to the must carry rules such as "A/B" switches and found them to be ineffective. *See Turner*, 819 F.Supp. at 47 (citing 1991 S. Rep. No. 92 at 44-45; 1992 H.R. Rep. No. 628 at 54; 1992 Cable Act, § 2(a)(17)). On the other hand, as the court found, "there is little doubt that the must carry provisions will be effective in sustaining local broadcasting for the present." *Turner*, 819 F.Supp. at 47. Congress was not required to settle for an ineffective means to protect the public interest such as A/B switches merely because they might be less burdensome

on cable operators' speech. *See Rock Against Racism*, 491 U.S. at 800 (citing *United States v. Albertini*, 472 U.S. 675, 689 (1985)).

Indeed, as the court also noted, the must carry rules do not unreasonably burden the speech of cable operators. In no event under the must carry provisions does a cable operator have to dedicate more than one-third of its channels to local broadcasting. *See* 1992 Cable Act, § 4(b)(1)(B) (codified at 47 U.S.C. § 534(b)(1)(B)). Thus, the rules provide ample opportunities for cable operators to speak.

CONCLUSION

The First Amendment was not meant to be used as an excuse by private parties, such as cable operators, to invalidate legislation aimed at preventing their monopolization of a form of media, to the detriment of the public's First Amendment rights to a diversity of sources of information. *See Associated Press*, 326 U.S. at 20; *see Red Lion*, 395 U.S. at 386-87, 390. For all the reasons cited herein and in the decision of the court below, the must carry provisions of the 1992 Cable Act are necessary to protect the public's rights under the First Amendment to a diversity of voices. The District Court's decision upholding the constitutionality of the

must carry provisions of the 1992 Cable Act should therefore be affirmed.

Respectfully submitted,

* RICHARD BLUMENTHAL
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APPENDIX TO THE BRIEF OF THE STATE OF CONNECTICUT AS AMICUS CURIAE IN SUPPORT OF RESPONDENTS

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February 18, 1993

Cablevision of Southern Connecticut
28 Cross Street
Norwalk, CT 06851

Attetnion:[sic] Ms. Irene Tripodi

RE: Discontinuing Connecticut Affiliates

Dear Ms. Tripodi:

I am extremely upset with your company's decision to eliminate all Connecticut affiliates on your cable system. I live in Milford, which is located in New Haven County Connecticut, not New York. Your survey which was conducted a few months back, by my calculations, took into account less than 1% of your subscribers. This is obviously not a fair sampling. Your decision to replace these stations with a SciFi channel, shopping and cartoon channel is absolutely absurd. I have no need for these. Also, to dictate which state's news we are allowed to watch for a service I pay for is outrageous. I have no need to hear all New York news, advertising, etc. My residence, family, job, and business connections are in Connecticut. I feel television viewing should be personal choice, not a company choice. I pay you for a service, not to make decisions on my behalf on my viewing selections.

You are a monopoly and you know it, but this does not give you a right to make such a wide sweeping change. If I had my choice, I would pick up another company which supports the State of Connecticut and its businesses.

I am also sending a copy of this letter to the State's Attorney's Office and the Department of Public Utilities Commission.

Very truly yours,

/s/

Carla M. Burgess
41 Freedom Road
Milford, CT 06460

TOWN OF GREENWICH

Office of First Selectman (203) 622-7710
Town Hall 101 Field Point Road Greenwich, CT 06836-2540

John B. Margenot
First Selectman

February 19, 1993

Ms. Irene Tripodi
General Manager
Cablevision
28 Cross Street
Norwalk, CT 06851

Dear Ms. Tripodi:

At a regular meeting of the Board of Selectmen, the Board unanimously approved a resolution urging you to reconsider your decision to eliminate programming by certain Connecticut stations.

At this time, when communications are so important, it would be unfortunate to disconnect Greenwich from the rest of the State by eliminating Connecticut stations from your service.

On behalf of all the people of Greenwich we urge you to delay any action on this proposal to be certain that you are responsive to the customers you serve.

Sincerely,

/s/

John B. Margenot, Jr.
First Selectman

cc: Richard Blumenthal, Attorney General
Clifton A. Leonhardt, Chairman, DPUC
Board of Selectmen

An Affirmative Action/Equal Opportunity Employer, M/F/D

471 Washington Parkway
Stratford, CT 06497
18 February 1993

Cablevision
122 River Street
Bridgeport, CT 06604

Dear Sirs:

I am appalled and angered by your recent decision to eliminate 4 Connecticut television stations (WFSB, WTXX, WVIT, and WTIC) from your programming in favor of 2 new additional cable channels and the New York network affiliate stations. Cable television enjoys the privilege of a public monopoly; consequently, the individual consumer does not enjoy a choice of cable service providers. Such decisions to deny Connecticut viewers access to Connecticut broadcast stations violates the public trust and is not in the public interest. I choose to live in Connecticut, not New York. As a consumer, I deserve the right to watch Connecticut broadcast stations.

I request that you rescind this decision and not eliminate the 4 Connecticut broadcast stations.

Sincerely,

/s/

Michael Carius

cc: Representative Rosa DeLauro
Senator Christopher Dodd
Senator Joseph Lieberman
Attorney General Richard Blumenthal
CONNECTICUT POST

Sarah L. Judd
92 Kenwood Ave.
Fairfield, CT 05430
21 February 93

Ms. Tripodi
Cablevision
122 River St.
Bridgeport, CT 06604

Dear Ms. Tripodi:

I am writing to Cablevision to express my extreme disapproval of your company's plan to discontinue carrying four Connecticut stations: WVIT, WFSB, WTIC, WTXX, and in the Stamford area, WTNH. Cablevision is a CONNECTICUT company, and as such, it should serve the community in which it is located. I find it reprehensible that you would presume to cut off southwest Connecticut from the goings-on in the rest of the state. We deserve the right to retain those channels on our cable system. Because Cablevision is a monopoly in this area, you should not and cannot take this kind of action. We have no other cable company from which to choose. I feel outraged and slighted by the actions of Cablevision, and I strongly urge you to reconsider your

decision; please do not continue with this horrific action.

Sincerely,

/s/

Sarah L. Judd

cc: Attorney General, State of Connecticut

41 Deacon Abbott Road
West Redding, CT 06896

February 17, 1993

Mr. Richard Blumenthal
Attorney General, State of Connecticut
State Capital [sic]
210 Capitol Avenue
Hartford, CT 06106

Dear Mr. Blumenthal:

The unilateral decision by Cablevision of Connecticut to discontinue providing Connecticut-based commercial television stations to its subscribers in southwestern Fairfield County is unfair to viewers like ourselves who want to receive information on what's happening in our state from news, sports and public service programing produced by broadcasters located in it. Furthermore, our family viewing preferences include syndicated programs and movies shown at particular times on Connecticut stations.

All of the above will be lost to us when Cablevision "shuts off" five Connecticut stations effective April 1, 1993. Their alternative, a "Connecticut" channel presenting "selected" Connecticut programs, smacks of Big Brother-ism, whereby Cablevision will decide what Connecticut-based programming we may

watch and when it will appear. This is counter-productive to what cable TV is supposed to provide: choices.

Cablevision says it is making this change based on what its viewers want. Cablevision says its viewers want to watch New York and New Jersey stations over Connecticut stations. Where did their "data" come from? They did not ask us or any other Redding cable subscribers as far as we are aware.

We and our family live in Connecticut. We watch Connecticut stations because we are interested in what is happening in our state and local area, not New York or New Jersey. When we watch network programming, we tune them in on Connecticut stations so that the news, weather and emergency announcements we receive pertain to where we live, not to Manhattan or Newark.

The reason we signed up for cable in the first place was because we get poor TV reception of stations in New Haven, Hartford and Waterbury. Now, under Cablevision's new "offering," we'll be denied access to them.

We urge you to take appropriate action to stop Cablevision of Connecticut from denying Connecticut-based stations to its customers. Thank you for your attention to this request.

Sincerely yours,

/s/ /s/

Jack Ciak Deborah L. Ciak

Alison Clement
8 Oakwood Avenue, Unit A-11
Norwalk, CT 06850

February 17, 1993

Mr. Richard Blumenthal
CT Attorney General
179 Elm St
Hartford CT 06108-2209

Dear Attorney General Blumenthal:

Re: Decision by Cablevision of CT
to discontinue service of
WTNH(8), WFSB(3), WVIT(30),
WTXX(20), WTIC(61)

I have received a notice of the discontinuation of the above stations on our cable service and am extremely upset.

According to the notice, a survey was conducted on 1/8/93 to determine whether subscribers would prefer to watch the New York affiliates or the Connecticut affiliates. I was not included in this survey. I firmly believe that for such a drastic change, all Cablevision of CT subscribers who will be affected should have been contacted and given the chance to respond.

I have lived in Norwalk most of my life and prefer to watch the Connecticut stations whenever possible. To me, one of the advantages of receiving cable is that I am no longer forced to watch only New York stations because of the inability to receive the Connecticut stations. Also, with the state of the economy in Connecticut, I am sure the loss of viewers will hurt not only the stations themselves, but also all of their advertisers.

It is my understanding that one of the new federal regulations may require cable companies to offer all stations within the subscriber's state. If this is true, it would make no sense to put this change into effect now.

I hope that you will do all in your power to convince Cablevision of CT that they should continue the service of the Connecticut affiliates.

Yours truly,

/s/

Alison Clement

C: Mareyce Cunningham, Director of Programming, Cablevision of CT

164 Byram Road
Greenwich, CT 06830
February 17, 1993

Cablevision of Connecticut

Gentlemen:

I was appalled to receive your notification that you would be dropping the Connecticut channels from my cable package. I watch the Connecticut network channels exclusively. Living in Greenwich, we have always had the New York channels forced upon us. I have absolutely no desire to watch the nightly news programs on the New York channels ... I do not wish to be reminded who was murdered, robbed, raped, knifed, stabbed, etc. etc. etc. every night.

I watch only Connecticut news on the Connecticut channels. WTNH is my favorite channel for news and weather and programming. I feel I should get to decide what stations I watch, not you. I want to watch Dr. Mel's weather ... I really don't care what the weather in New York City will be today. Please don't say that the Connecticut news channel will provide that information ... obviously what will be shown on that will again be your discretion.

I watch all network stations on the Connecticut channels, not New York, and I do this because the reception on the Connecticut channels is better and I like the programming better. Let's be honest and admit that the programming on the New York and Connecticut stations is not always a duplication. Do the New York channels carry the Huskies for example?

It is insulting that you would offer your new $9.95 package under this plan to receive, what else, but the New York network channels! How stupid do you think your customers are? I can cancel cable and hook back up to the antenna on my roof and receive all of the New York network channels for free! If you cancel the Connecticut channels, I will hook up to my rabbit ears to receive WTNH news at night ... and you can bet that if I do that I will stay hooked up to rabbit ears and watch the New York network channels for free.

You say you polled your subscribers ... I'd like to know where and who ... I was never polled and if I had been I most certainly would not have been willing to give up the Connecticut channels to receive cartoons and Science Fiction programs. Come on cable, admit you made a mistake ... if you cancel anything you should cancel the New York network channels, or better yet give your subscribers a choice. We are the customer ... we should tell you what we want, not you telling us what we can have.

Your telling me that I can now get only the New York channels because that is what most subscribers prefer is like CL&P telling me that I can only get electricity now in my kitchen because after polling their customers they found that most customers would rather have electricity in their kitchen rather than their livingroom. Not much of a choice, is it. Just as your offer isn't much of a choice either. It was kind of like, we are eliminating channels ... pick either New York or Connecticut. Why would anyone who lives in Connecticut want New York channels and not Connecticut.

If you go ahead with this absurd proposal, I will be cancelling my cable service as of March 31. I have no intention of paying your $24.95 a month to receive channels I do not want.

/s/ Francine Burk

cc: CT Attorney General [handwritten]

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February 18, 1993

Richard Blumenthal, Esq.
Office of Attorney General
55 Elm Street
Hartford, CT 06106

Dear Dick:

How are you? I am writing to you about the proposal by Cablevision to eliminate Connecticut channels in their service offered to New Haven and Fairfield Counties. I am very strongly opposed to this for the following reasons:

(1) Before cable TV, the only news we received was from the New York City channels. When cable came along, the main beauty of the service was that we were finally reunited with our home state

for purposes of news broadcasts. The elimination of Connecticut news from our viewing is an outrage. To allow a cable company the incredible power to prohibit our viewing of local news (other than that fed to us on the company's own Cable 12 Network) is a frightening spector.

(2) I think it equally outrageous that Cablevision will eliminate all competitive channels for purposes of placing advertisements. The only place a local business will be able to reasonably advertise is on Cable 12 since all other Connecticut channels will be eliminated. Thus, not only will Cablevision have a monopoly on the provision of programming to our community but also a monopoly on advertising our wares and thus, to some extent, regulating what we buy and sell and completely regulating the content of the news made available to us.

I am nothing short of outraged by this proposal and I vigorously urge you to take whatever action is necessary to stop this unconscionable conduct.

Best regards to you and Cynthia.

Very truly yours,

/s/

Georgia von Schmidt
Attorney at Law